



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 31 2001

Ms. Donna Edminster
Rhodia Inc.
CN 7500
Cranbury, NJ 08512

Ref. No. 01-0080

Dear Ms. Edminster:

This responds to your letter dated March 12, 2001, regarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for import shipments of a material poisonous by inhalation.

Your company is considering importing a material to the United States which, if transported by vessel under the International Maritime Dangerous Goods Code (IMDG Code), is classed as a Class 8 (Corrosive) material with no subsidiary hazard. However, under the HMR, the material is classed as a Class 8 material with a Division 6.1 (Poison) subsidiary hazard. In the § 172.101 Hazardous Materials Table, the material is assigned Special Provision "2" and, therefore, is a material poisonous by inhalation (PIH). In a subsequent telephone conversation with a member of my staff, you identified the material as "Trichloroacetyl chloride, UN 2442, PG II." Your questions are paraphrased and answered as follows:

Q1. May a material, as described above, classed only as a Class 8 (Corrosive), in accordance with the IMDG Code, be imported by vessel to the United States under the provisions of § 171.12(b)(8)(iv)?

A1. Yes. Until October 1, 2001, a package containing a PIH material that is subject to the requirements of the IMDG Code may be labeled in accordance with the IMDG Code if transported in a closed transport vehicle or freight container marked with the identification number for the material and placarded as required by the HMR. Thus, a package containing Trichloroacetyl chloride imported into the United States inside a closed freight container under the provisions of the IMDG Code may be labeled with only a Class 8 (Corrosive) label provided the freight container is marked with the identification number, UN 2442, as required by § 172.313(c), and placarded as required by § 172.505(a) of the HMR. In addition to these requirements, the package must be marked "Inhalation Hazard" (see § 172.313(a)), and the shipping description of the material on the shipping paper must include the words "Toxic Inhalation Hazard," "Poison Inhalation Hazard," or "Inhalation Hazard" (see § 172.203(m)). Finally, the Trichloroacetyl chloride must be packaged in packagings authorized for transportation of PIH materials under § 173.227.



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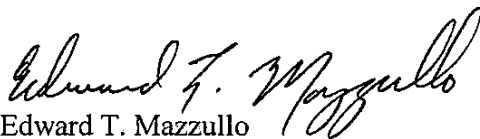
171.12

- Q2. Would it be acceptable for the container to only display the CORROSIVE placard? At what point must the placard be affixed to the container?
- A2. It is not acceptable for the freight container to only display the CORROSIVE placard (see answer "A1"). The freight container would also have to be placarded either POISON or POISON INHALATION HAZARD (See § 171.14). The additional POISON or POISON INHALATION HAZARD placard must be on the container when the vessel enters U.S. territorial waters.

After October 1, 2001, imports or exports of PIH materials by vessel in the United States must display the new PIH labels and placards. We are aware that the new PIH labels and placards are not yet recognized by the international community. We realize the potential for delayed or frustrated shipments, due to confusion over labeling and placarding differences, will exist after October 1, 2001. Therefore, we are considering the need for further rulemaking to minimize the impacts of these changes on international shipments.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,


Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



Logistics, Regulatory & Emergency Response

March 12, 2001

Information Center
Office of Hazardous Materials Standards
Research and Special Programs Administration
U.S. DOT/RSPA (DHM-10)
400 7th Street, S.W.
Washington, D.C. 20590-0001

Gentlemen:

I am writing to request clarification of the requirements regarding the importing of a Poison-Inhalation Hazard material under 49 CFR. Specifically, I am requesting clarification regarding 49 CFR 171.12(b)(8)(iv).

We are considering importing a material which has a primary hazard class of 8, subsidiary class of 6.1, and has been assigned to Special Provision 2 in the 172.101 table – and therefore is considered a Poison – Inhalation Hazard material for DOT purposes. Elsewhere in the world, this material is only considered to be a corrosive material. In the IMDG regulations, it is specifically listed by name and assigned to PG II of Class 8. The required labeling under IMDG would therefore be for corrosive primary hazard labels only.

49 CFR 171.12(b)(8) outlines the requirements for importing Poison-Inhalation Hazard materials. In addition to specific shipping paper, packaging, and package marking requirements, there are also package labeling and placarding requirements. However, under paragraph (iv) of this section, it states:

- (iv) Until October 1, 2001, the package may be labeled in accordance with the IMDG Code if transported in a closed transport vehicle or freight container marked with identification numbers for the materials in any quantity in the manner specified in paragraphs (c) and (c)(3) of §172.313 of this subchapter and placarded as required by subpart F of part 172 of this sub-chapter.

My interpretation of this exception is that the drums may continued to be labeled solely with the corrosive label as required by the IMDG regulations, as long as they are marked with the words "Inhalation Hazard" and the freight container is marked with the identification number for the material involved. Since the material has a primary hazard of corrosive, the identification number can be displayed as part of a numeric style corrosive placard. As this exception requires the freight container to be placarded in accordance

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§171.12(b)(8)(iv)
Placarding/
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with Subpart F, then the freight container must also display either a subsidiary POISON or POISON-INHALATION HAZARD placard.

My questions for you are:

1. Is my interpretation of this labeling and placarding requirement correct?
2. If not, and the drums are also required to be labeled with Poison-Inhalation Hazard labels, at what point do these labels need to be affixed?
3. Since this is an import shipment under IMDG, would it be acceptable for the container to only display the primary corrosive placard? If not, at what point does the subsidiary PIH placard need to be affixed to the container? Could it be affixed at the dock? Does it need to be affixed in Europe?
4. If both the labels and placards need to be affixed in Europe, and as the PIH label/placard is not recognized internationally, can you suggest how their use can be explained to carriers and steamship lines that may be reluctant to carry cargo displaying such? Is there some sort of standard phrasing that is commonly used on shipping papers in cases such as these?

I would greatly appreciate your review and comments on this matter. Should you need to contact me for further information, I can be reached at 609-860-4085, or by e-mail at donna.edminster@us.rhodia.com.

Regards,



Donna Edminster, DGSA
Sr. Transportation Regulatory Specialist
Rhodia Inc.